

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SOTORIOS GEORGAKOPOULOS,)	Case No.: 1:04 CV 1436
)	
Petitioner)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
TRACY TYSON-PARKER, ACTING WARDEN,)	
)	
Respondent)	<u>ORDER</u>

On July 27, 2004, Petitioner Sotorios Georgakopoulos (“Petitioner” or “Georgakopoulos”) filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the constitutionality of his 1999 felony convictions for engaging in a pattern of corrupt activity and related offenses. The case was referred to Magistrate Judge Kenneth S. McHargh for preparation of a report and recommendation. The Magistrate Judge issued his Report and Recommendation (ECF No. 10) on December 5, 2005, recommending that the Petition be denied.

In the Magistrate Judge’s detailed Report and Recommendation, he concluded that Petitioner’s claims were procedurally defaulted, since he had presented no federal constitutional issues to the state courts. The Magistrate Judge concluded that even if Petitioner’s claims were not procedurally defaulted, his challenge to his sentence and guilty plea did not raise substantial federal constitutional issues, and largely presented challenges to interpretation and application of Ohio state sentencing laws. Further, Petitioner’s claims did not demonstrate that any state court decision was contrary to or an unreasonable application of clearly-established federal law.

As of the date of this Order, Plaintiff has not filed objections to the Report and Recommendation. By failing to do so, he has waived the right to appeal the Magistrate Judge's recommendation. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).

Furthermore, the court finds, after careful review of the Magistrate Judge's Report and Recommendation and all other relevant documents, that the Magistrate Judge's conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own the Magistrate Judge's Report and Recommendation (ECF No. 10.) Georgakopoulos' Petition for Habeas Corpus is hereby denied. The court further certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

/S/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

December 21, 2005